

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 6:13CR34
	§	Judge Davis
TODD FLEMING	§	

ELEMENTS OF THE OFFENSE

The United States of America, by and through the United States Attorney for the Eastern District of Texas, files this pleading summarizing the elements of the offense to which the defendant intends to enter a plea of guilty to Counts One, Seven, Nine, Ten, Sixteen, Seventeen, and Twenty-two, of the indictment.

Title 18, United States Code, Sections 2251(a) and 2251(e) makes it a crime to employ, use, persuade, induce, entice, or coerce any minor to engage in sexually explicit conduct for the purpose of producing a visual depiction or transmitting a live visual depiction of such conduct.

To establish that the defendant is guilty of Sexual Exploitation of Children, the government must prove the following beyond a reasonable doubt:

First: That the defendant employed, used, persuaded, induced, enticed, or coerced a minor to engage in sexually explicit conduct;

Second: That the defendant acted with the purpose of producing a visual depiction of such conduct; and

Third: That the visual depiction was actually transported using any means or facility of interstate or foreign commerce; or

That the visual depiction was produced using materials that had been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer; or

That the defendant knew or had reason to know that the visual depiction would be transported using any means or facility of interstate or foreign commerce.

Respectfully submitted,

JOHN M. BALES
UNITED STATES ATTORNEY

/s/ Nathaniel C. Kummerfeld
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Elements of the Offense was served on counsel of record for defendant via the court's CM/ECF system on this the 9th day of June, 2014.

/s/ Nathaniel C. Kummerfeld
Nathaniel C. Kummerfeld